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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,340	10/24/2003	Mark James Ansier	910.1009	2704

7590 09/17/2004

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EXAMINER

DEVORE, PETER T

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/693,340

Applicant(s)

ANSIER ET AL.

Examiner

Peter T deVore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-10,12,15-17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 3,6,11,13,14 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 15-17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallach.

The Wallach reference discloses a system comprising a pump assembly 57 having an ink inlet 58, an ink outlet 59, a control input 102, a supply conduit/ink supply fitting arrangement 106, a fill gun 13, a fill needle 48, a fill trigger 52, a kill switch/auto-cutoff device 77, a grip portion 50, a needle supply fitting arrangement 49, and check valves 60 and 61. The statement of intended use in the preamble has been carefully considered but is deemed not to impose any elements not already present in the Wallach system which is further capable of refurbishing inkjet cartridges as claimed.

Claims 10 and 12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Maerzke.

The Maerzke reference discloses a method of refurbishing an inkjet cartridge comprising inserting fill needle 12 into the inkjet cartridge 1, activating a fill trigger switch (back end of piston 13), to activate a pump assembly (front end of piston 13), to transfer ink through an ink intake line (cylinder 11) to the fill needle 12, and deactivating the

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assembly via an auto-cutoff device (pumping automatically stops when front of piston 13 hits front wall of cylinder 11),

Claims 10 and 12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Moser.

The Moser reference discloses a method of refurbishing an inkjet cartridge comprising inserting fill needle 6 into the inkjet cartridge 10, activating a fill trigger switch 5, to activate a pump assembly (piston 3), to transfer ink through an ink intake line (cylinder 1) to the fill needle 6, and deactivating the assembly via an auto-cutoff device (pumping automatically stops when front of piston 3 hits front wall of cylinder 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallach in view of Stratford.

The Wallach reference discloses a system as discussed supra, but does not disclose a fill gun holster mounted to the main housing. However, attention is directed to the Stratford reference, which discloses a similar system including a holster 18 mounted to the main housing 1 for convenient storage of the fill gun 12 when not in use. It would have been obvious to one of ordinary skill in the art to employ a holster on the

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main housing of the Wallach system in view of Stratford for convenient storage of the fill gun when not in use.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallach in view of Yacowitz.

The Wallach reference discloses a system as discussed supra, but does not disclose that the pump is a peristaltic pump. Instead, the pump is a piston pump. However, attention is directed to the Yacowitz reference, which discloses a similar system using a peristaltic pump (see col. 1, lines 58, 59) for smooth flow of pumping fluid. It would have been obvious to one of ordinary skill in the art to substitute a peristaltic pump for the piston pump of the Wallach system in view of Yacowitz for smoother flow of pumping fluid.

### ***Allowable Subject Matter***

Claims 3, 6, 11, 13, 14, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

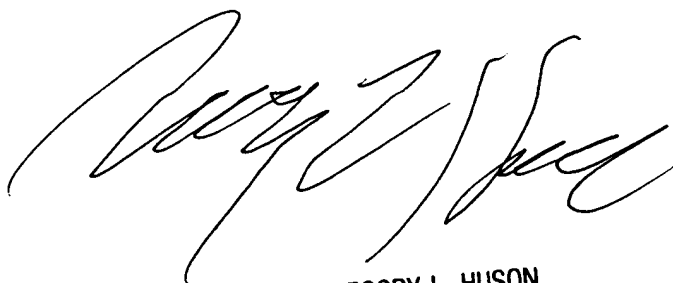
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter T deVore whose telephone number is (703) 306-5481. The examiner can normally be reached on Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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